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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,804	12/09/2003	Bernard Leon Bensussan	1331.038USU	2702

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EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

MAIL DATE	DELIVERY MODE
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08/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/730,804

Applicant(s)

BENSUSSAN, BERNARD LEON

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The indicated allowability of claim 24 is withdrawn in view of Taylor, 6,254,305. The examiner has noted that the upper half of Figure 2 shows a different configuration of mounting a second retaining rim as compared to the bottom half of Figure 2. Prosecution is being reopened so that the discovery in Taylor is applied to claim 24.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 26, the recitation "said second tab" in line 4 makes unclear whether that is the second tab of the second retaining rim recited in claim 24, line 8, or that of the second locking member recited in claim 26, line 2.

Claim Rejections - 35 USC § 102

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Taylor, 6,254,305.

Regarding claim 24, Taylor discloses, in Figures 2 and 3, a connecting member comprising a housing **12** and a first locking member **52,54**. The housing **12** has a first opening **126**, a second opening **A1** (see marked-up attachment), and a first retaining rim **122**. The first locking member **52,54** has a first tab **56** and a first button **90**. The first locking member normally biases the first tab through the first opening **126**. A second retaining rim **124** has an inwardly depending second tab **A2** biased in the second opening **A1**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor, 6,254,305, in view of Eysoldt, DE4,240,463.

Regarding claim 25, Taylor, as discussed, fails to disclose the first locking member comprising a major axis and a minor axis, the first tab being along the minor axis and the first button being along the major axis. Eysoldt teaches, in Figure 7, 8a, and 8b, a first locking member comprising a major axis and a minor axis. A first tab **92** is along the minor axis and a first button **93** is along the major axis to compress the locking member with two fingers and disengage the first tab from a telescopically inserted member **10**. Therefore, as taught by Eysoldt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the first locking member of Taylor with that of Eysoldt in order to compress the locking member using two fingers instead of pushing the locking member to one side as taught by Taylor.

Allowable Subject Matter

Claim 23 is allowed.

Claim 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claims 23 and 26, the prior art of record does not disclose or suggest a connecting member further comprising a second locking member having a second button and a second tab normally biased through a third opening, and being in a housing. The closest prior art, Moretti et al., 5,374,088, and Taylor, 6,461,074, only discloses one locking member and there is no motivation, absent applicant's own disclosure, to modify Moretti et al. because a second locking member with the configuration as claimed is not required. One skilled in the art will be motivated to use the same identical first locking member as the second locking member at the other end of the housing; however, the motivation will not anticipate the features of claim 26.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EL.

E.G.

August 16, 2007

Daniel P. Stodola

DANIEL P. STODOLA
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